

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PC3-157	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2005/003433	International filing date ( <i>day/month/year</i> ) 28 January 2005 (28.01.2005)	Priority date ( <i>day/month/year</i> ) 30 January 2004 (30.01.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GREAT LAKES CHEMICAL CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 31 July 2006 (31.07.2006)</p> <hr/> <p>Authorized officer</p> <p style="text-align: center; font-size: 1.2em;">Yolaine Cussac</p> <p>e-mail: pt11@wipo.int</p>
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# PATENT COOPERATION TREATY

REC'D 16 SEP 2005

WIPO

PCT

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
ROBERT C. HYTA  
WELL ST. JOHN, P.S.  
601 WEST FIRST STREET, SUITE 1300  
SPOKANE, WA 99201-3828

Date of mailing  
(day/month/year)

14 SEP 2005

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

PC3-157

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US05/03433

28 January 2005 (28.01.2005)

30 January 2004 (30.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): C11D 3/37; C07C 17/00, 19/08, 21/18, 22/08 and US Cl.: 510/475, 535; 570/123, 125, 126, 127, 138

Applicant

PCBU SERVICES, INC.

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Date of completion of this opinion

31 August 2005 (31.08.2005)

Authorized officer

Brian P. Mruk

Telephone No. (571) 272-1700

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/03433

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/03433

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. Citations and explanations:

Claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81 and 85-86 lack novelty under PCT Article 33(2) as being anticipated by Knell et al, U.S. Patent No. 3,843,735.

Knell et al, U.S. Patent No. 3,843,735, discloses 3-perfluoroalkyl-1 propenes of the formula  $R_fCH_2CH=CH_2$  (see abstract and col. 1, lines 1-5). Specifically, note preparation Example 8, which discloses a compound that meets the requirements of the instant invention. Therefore, instant claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81 and 85-86 are anticipated by Knell et al, U.S. Patent No. 3,843,735.

Claims 1-4, 35-40 and 71-72 lack novelty under PCT Article 33(2) as being anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Krespan et al, U.S. Patent No. 5,504,265, discloses a saturated linear polyfluorohydrocarbon for use in cleaning compositions (see abstract). It is further taught by Krespan et al that suitable polyfluorohydrocarbons include those listed in col. 3, lines 20-67, and that the polyfluorohydrocarbons contain olefins and metal complexes (see col. 7, line 56-col. 8, line 5), per the requirements of the instant invention. Therefore, instant claims 1-4, 35-40 and 71-72 are anticipated by Krespan et al, U.S. Patent No. 5,504,265.

Claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84 and 87-96 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the specific aqueous  $R_f$ -film forming foam formulations compositions required in claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84 and 87-96.

Claims 1-96 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US05/03433

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

**V.1. Reasoned Statements:**

The opinion as to Novelty was positive (Yes) with respect to claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84, 87-96

The opinion as to Novelty was negative (No) with respect to claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81, 85-86

The opinion as to Inventive Step was positive (Yes) with respect to claims 6-7, 9-10, 12-18, 20-22, 25-34, 42-43, 45-46, 48-54, 56-58, 61-70, 73-74, 76-77, 79-80, 82-84, 87-96

The opinion as to Inventive Step was negative (NO) with respect to claims 1-5, 8, 11, 19, 23-24, 35-41, 44, 47, 55, 59-60, 71-72, 75, 78, 81, 85-86

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-96

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE